

1 HOUSE BILL 769

2 **49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

3 INTRODUCED BY

4 Antonio "Moe" Maestas

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9  
10 AN ACT

11 RELATING TO ELECTIONS; CHANGING REQUIREMENTS FOR VOTER  
12 REGISTRATION ORGANIZATIONS; PROVIDING FOR PENALTIES.

13  
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 Section 1. Section 1-1-16.1 NMSA 1978 (being Laws 2005,  
16 Chapter 270, Section 3) is amended to read:

17 "1-1-16.1. REGISTRATION AGENT.--As used in the Election  
18 Code, "registration agent" means a state or federal employee  
19 who provides voter registration at a state agency, or a tribal  
20 registration agent office, or any other individual who assists  
21 another person in completion of a voter registration  
22 application or collects a completed voter registration form  
23 from a voter in order to return it to the county clerk or  
24 secretary of state on the voter's behalf."

25 Section 2. Section 1-4-49 NMSA 1978 (being Laws 2005,

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1 Chapter 270, Section 17, as amended) is amended to read:

2 "1-4-49. [~~THIRD-PARTY~~] VOTER REGISTRATION [AGENTS]  
3 ORGANIZATIONS--REGISTRATION REQUIRED--PROCEDURES--REPORTS--  
4 PENALTY.--

5 A. [~~Registration agents who either register or~~  
6 ~~assist persons to register to vote on behalf of~~] An  
7 organization that is not a state or federal agency and that  
8 collects more than fifty completed certificates of registration  
9 in a calendar year on the forms prescribed by the secretary of  
10 state shall register with the secretary of state and [~~the~~  
11 ~~organization shall register and~~] provide the secretary of state  
12 with [~~(1)~~] the names of the officers of the organization and  
13 the name and permanent address of the organization.

14 [~~(2)~~] B. When an organization submits to the  
15 secretary of state or county clerk the certificates of  
16 registration as provided in Subsection A of this section, it  
17 shall also submit, for each registration agent who collected  
18 the certificates of registration being submitted:

19 (1) the names, permanent addresses, temporary  
20 addresses, if any, and dates of birth of each person  
21 registering persons to vote in the state on behalf of the  
22 organization; and

23 [~~(3)~~] (2) a sworn statement from each  
24 registration agent employed by or volunteering for the  
25 organization stating that the agent has obeyed and will

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1 continue to obey all state laws and rules regarding the  
2 registration of voters on a form that gives notice of the  
3 criminal penalties for false registration. This statement need  
4 not be notarized.

5 C. An individual registration agent who is not  
6 working on behalf of an organization described in Subsection A  
7 of this section and who collects more than fifty completed  
8 certificates of registration in a calendar year on the forms  
9 prescribed by the secretary of state shall also comply with the  
10 reporting requirements of Subsection B of this section.

11 ~~[B.]~~ D. Organizations ~~[employing registration~~  
12 ~~agents or using volunteer registration agents]~~ subject to  
13 registration pursuant to Subsection A of this section and  
14 individual registration agents subject to Subsection C of this  
15 section shall deliver or mail [a] completed state-issued  
16 certificate of registration forms to the secretary of state or  
17 county clerk ~~[within forty-eight hours of its completion by the~~  
18 ~~person registering to vote or deliver it the next business day~~  
19 ~~if the appropriate office is closed for that forty-eight-hour~~  
20 ~~period]~~ as follows:

21 (1) between one hundred eighty and thirty days  
22 before the close of registration, within thirty days of a  
23 certificate's completion by the person registering to vote;

24 (2) between thirty days and five days before  
25 the close of registration, within five days of a certificate's

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1 completion by the person registering to vote; and

2 (3) in all cases, all certificate of  
3 registration forms completed before the close of registration  
4 shall be returned to the secretary of state or county clerk  
5 before the close of registration.

6 ~~[G.]~~ E. The secretary of state may issue rules to  
7 ensure the integrity of the registration process, including  
8 rules ~~[requiring that organizations account for all state and~~  
9 ~~federal registration forms used by their registration agents.~~  
10 D.] to track state-issued certificate of registration forms  
11 given to voter registration organizations that collect and  
12 submit certificates of registration. The rules shall not limit  
13 the availability of blank state-issued certificate of  
14 registration forms to a voter registration organization unless  
15 the organization has clearly engaged in a pattern of not  
16 returning a significant number of forms previously received.  
17 If the secretary of state issues rules requiring or otherwise  
18 requires training of registration agents, that training shall  
19 be made reasonably available to voter registration  
20 organizations to train their registration agents. The  
21 secretary of state shall not require each individual  
22 registration agent to participate directly in a state- or  
23 county-run training session. If the secretary of state issues  
24 rules requiring or otherwise requires the disclosure of a  
25 registration agent's name, the voter registration

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1 organization's name or other identifying information on the  
2 state-issued certificate of registration form, this information  
3 shall not be released to the public.

4 F. The secretary of state shall ensure that  
5 information about the requirements of this section shall be  
6 widely disseminated, including on the web sites of the  
7 secretary of state and of the various county clerks.

8 G. A person who [~~intentionally~~] violates the  
9 provisions of this section with the intent of disenfranchising  
10 a voter is guilty of a petty misdemeanor and [~~the person's~~  
11 ~~third-party registration agent status shall be revoked~~] in  
12 addition to any other sentence imposed by law, the court may  
13 revoke the person's right to act as a registration agent or  
14 collect or submit certificate of registration forms. If the  
15 person who violates a provision of this section is an employee  
16 of an organization and has decision-making authority involving  
17 the organization's voter registration activities or is an  
18 officer of the organization, that organization shall be subject  
19 to civil penalties as described in Subsection [E] H of this  
20 section.

21 [~~E.~~] H. If the secretary of state reasonably  
22 believes that a person committed [~~a~~] an intentional violation  
23 of the provisions of this section, the secretary of state shall  
24 refer the matter to the attorney general or a district attorney  
25 for enforcement. The attorney general or district attorney may

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1 institute a civil action in district court for a violation of  
2 the provisions of this section or to prevent a violation of the  
3 provisions of this section. An action for relief may include a  
4 permanent or temporary injunction, a restraining order or any  
5 other appropriate order, including a civil penalty of [~~two~~  
6 ~~hundred fifty dollars (\$250)~~] fifty dollars (\$50.00) for each  
7 violation caused by gross negligence or intentional misconduct,  
8 not to exceed [~~five thousand dollars (\$5,000)~~] one thousand  
9 dollars (\$1,000).

10 I. The provisions of this section shall not apply  
11 to voter registration applications collected overseas and  
12 submitted to the secretary of state or county clerk pursuant to  
13 the federal Uniformed and Overseas Citizens Absentee Voting  
14 Act."